

AMENDMENT and RESPONSE

In response to the Final Office Action dated September 22, 2004, kindly amend the application as follows:

IN THE CLAIMS:

Kindly amend the claims as shown in the listing of claims above.

REMARKS

Applicant thanks the Examiner for the courteous Final Action on the merits.

The following amendments are believed to place this case in condition for allowance.

Claims 13 and 14 (human-like and animal-like like form) were indicated to be allowable if independent. Claim 1 and claims dependent thereon have been amended to incorporate the features of claims 13 and 14 and are thus deemed allowable.

Claims 13-15 have been cancelled.

Claim 18 was deemed allowable if independent. Claim 16, the parent claim of claim 18, has been amended to incorporate the features of claim 18 and is thus deemed allowable. Claims 17 and 19, dependent on claim 16, and claim 20 newly dependent on claim 16, are also deemed allowable. Claim 18 has been cancelled.

Claim 21 has been amended in the manner of claim 1, to incorporate the features of claims 13 and 14 and is deemed allowable for reasons advanced in connection with claim 1. Claims 22 and 23 dependent on claim 21 are also deemed allowable.

Claim 24 previously indicated allowable if independent has been amended to be independent while incorporating its parent claim 21.

Claim 25, a method claim, has been amended along the lines of claim 1, to refer to human-like and animal-like form and to have such form move relative to the mating structures and flying toy. Claim 25 is urged to be allowable. Claim 26 dependent on claim 25 is also urged to be allowable.

Claim Rejection – 35 U.S.C. §102(a) (U.S. Patent No. 6,527,607 – Huang)

Claims 1, 3, 6-8, 10, 11, 15 and 21-23 are rejected under 35 U.S.C. §102(a) as being anticipated by Huang.

The rejections of these claims are submitted to be mooted by the foregoing.

Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 5,118,054 – Kirschenbaum, et al.)

Claims 16 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Kirschenbaum.

The rejections of these claims are submitted to be mooted by the foregoing.

Claim Rejection – 35 U.S.C. §102(b) (U.S. Patent No. 5,810,637 – Mileti)

Claims 16 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Mileti.

The rejections of these claims are submitted to be mooted by the foregoing.

Claim Rejection – 35 U.S.C. §103(a) (U.S. Patent No. 5,810,637 – Mileti)

Claims 17 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mileti.

The rejections of these claims are submitted to be mooted by the foregoing.

Claim Rejection – 35 U.S.C. §102(a) (U.S. Patent No. 6,527,607 – Huang)

Claims 25 and 26 are rejected under 35 U.S.C. §102(a) as being anticipated by Huang.

The rejections of these claims are submitted to be mooted by the foregoing.

Claim Rejection – 35 U.S.C. §112

Claim 20 is rejected under 35 U.S.C. §112 as being indefinite. The Examiner appropriately advises that lines 4 and 5 of Claim 20 are unclear. Claim 20 has been amended above and is believed to be clear in meaning.

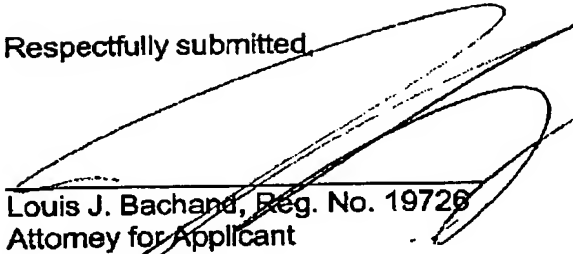
Allowable Subject Matter

Claims 2, 4, 5, 9, 12-14, 18 and 24 were objected to as being dependent upon a rejected base claim. The Examiner indicated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicant has appreciated the indication of allowability in certain claims and its contribution to advancing prosecution of this application.

Conclusion

Reconsideration and allowance of all claims are requested. If any issues remain, the Examiner is requested to call the undersigned.

Respectfully submitted,



Louis J. Bachand, Reg. No. 19726
Attorney for Applicant
P.O. Box 1508
La Canada, CA 91012-5508
(818) 952-3414 Telephone No.
(818) 952-3420 Fax No.

Customer No. 20,986